vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.840 OF 2006
IN
SUIT NO.3136 OF 1985

Vora Exports Pvt. Ltd. ... Plaintiff

V/s.

Kirloskar Oil Engines Ltd. ... Defendant

Ms.Alpana Ghone with S.G. Lakhani for Plaintiff
Mr.M.Sutrale i/b M.K. Ambalal & Co. for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 22, 2006**

P.C.:

. This Motion has been filed for restoration of the suit which was dismissed. The case of the Applicant-Plaintiff is that the suit was dismissed as nobody represented the plaintiff. The appearance of the advocates was not shown on the Board, according to the learned Advocate for the Plaintiff. It was therefore, not possible for anyone to attend the matter on that day.

2. On a perusal of a copy of the Board, which is annexed to the affidavit in support of the Motion, it is obvious that the advocate for the plaintiff was not shown. However, there is a delay in taking out the present Motion. The reason for the delay is that the Plaintiff became aware of the dismissal of the suit only on 28.2.2006 and immediately thereafter moved the Notice

of Motion.

3. In the circumstances, the Motion is made absolute in terms of prayer clauses (a) and (b) on condition that the Applicant shall pay costs quantified at Rs.3,000/- to the Maharashtra State Legal Services Authority within two weeks from today.

4. Notice of Motion is disposed of accordingly.